

PROCEEDINGS OF THE JOINT CITY-PARISH COUNCIL AND LPUA MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF NOVEMBER 16, 2004.

ATTENDANCE

COUNCIL: Randy Menard (Chair - District 9), Rob Stevenson (Vice Chair - District 8), Bobby Badeaux (District 1) Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Monica Fontenot (Administrative Assistant)

ADMINISTRATIVE STAFF: L.J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Pat Ottinger (City-Parish Attorney), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Becky Lalumia (Director of Finance & Management), Melanie Lewis (Director of Community Development), Tom Carroll (Director of Public Works), Eleanor Bouy (Director of Planning, Zoning & Codes), Gerald Boudreaux (Director of Parks and Recreation)

COMMENCEMENT

(TAPE 1)(SIDE A)(033)AGENDA ITEM NO. 1: Call to order.

Chair Randy Menard called the Joint Regular/LPUA Meeting of November 16, 2004 to order.

(TAPE 1)(SIDE A)(038)AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

A motion was offered by Stevenson, seconded by Benjamin to elect Menard as Chair of the Joint Council/LPUA meeting and the vote as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was approved.

Menard read the following statement:

This is a public hearing as required by Act No. 736 of the 2004 Regular Session of the Louisiana Legislature, commonly known as the "Local Government Fair Competition Act." Section 844.48(4) of that law requires a public hearing for "the purpose of allowing the feasibility consultant to present the results of the feasibility study; and the public to become informed about the feasibility study results; and ask questions of the feasibility consultant about the results of the feasibility study."

It is the desire of the Council and the LPUA to afford the public a full opportunity to ask questions of the feasibility consultant about the results of the feasibility study. However, this process would not be served if these hearings are not conducted under an orderly structure and procedure. Additionally, although the Local Government Fair Competition Act establishes certain minimum requirements for these hearings, the Council and LPUA is interested in the input of its other consultants on the Feasibility Study as it may be necessary or desirable. Therefore, in order to afford an opportunity for the public to be heard and promote orderly hearings, the Chair establishes the following procedure for conducting these hearings:

1. First, the Feasibility Consultant, Doug Dawson of CCG Communications, Inc. will present the results of his Feasibility Study Report, followed by the input of LUS and other consultants as necessary or desirable.
2. Next, the Council and LPUA will ask such questions of the Feasibility Consultant, LUS, and other consultants as the individual members may desire.

3. Next, the public will be allowed to ask questions of the Feasibility Consultant, Mr. Dawson, about the Feasibility Study, as is allowed by the Local Government Fair Competition Act. For this part of the hearing, it is important that we establish and follow specific rules to give each person desiring to ask questions a full and fair opportunity to do so. Here are the rules for this part of the hearing:

Each person desiring to ask a question must fill out a YELLOW “Question Card” and give it to the Clerk to establish his place in line. Questions will be taken in the order that the cards are received by the Clerk. Only “questions” are permitted—no speeches and no statements of position. There will be no time limit imposed on each individual question and answer. However, only one question and one “follow-up” question will be permitted per person per turn. By “follow-up” I mean a new question, which legitimately arises from the answer given to the first question. If a person has additional questions to ask beyond the one question and one “follow-up” which he/she is allowed per turn, that person, and his “Question Card,” must go to the end of the line of waiting questioners for another turn. Repetitive questions will not be permitted.

4. Next, after all questions are asked of the Feasibility Consultant by the public, public comments will be allowed on the Feasibility Study, to the extent that time permits. Each person who wishes to make public comments must fill out a BLUE “Speaker’s Card” and give it to the Clerk. Speakers during this part of the hearing will be limited to three minutes per person unless this body votes to allow additional time. Because this particular hearing provides a separate opportunity for questions, questions will *not* be permitted during the public comment portion of this hearing. This is different from the rules printed on the “Speaker’s Card.” Questions posed by speakers during the public comment part of the hearing will not be permitted, and if asked, will not be considered for reply.

At all times, the Chair will maintain order and enforce these rules, and reserves the right to terminate repetitive questions or comments.

JOINT MEETING - LAFAYETTE CITY-PARISH COUNCIL & LPUA PUBLIC HEARING, RESOLUTIONS & ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(118)AGENDA ITEM NO. 3: Public Hearing - A Public Hearing for the purpose of allowing the Feasibility Consultant for the Lafayette City-Parish Consolidated Government to present the results of his Feasibility Study concerning the provision of services by the Lafayette City-Parish Consolidated Government which are covered by the Local Government Fair Competition Act, LA R.S. 45:844.40 through 45:844.54 (Telecommunications Services, Cable Television Services, and/or Advanced Services), allowing the public to become informed about the Feasibility Study results, and allowing the public to ask questions of the Feasibility Consultant about the results of the Feasibility Study.

Mr. Doug Dawson of CCG Consulting, Inc. gave a presentation to the Council regarding the findings of the Feasibility Study Report (Fiber-to-the-Home for Lafayette, Louisiana). *A copy of the feasibility study report and the presentations are attached.* Dawson’s presentation included the following highlights:

- Annual revenues will exceed annual costs and cover bond obligations in 2008
- Providing the covered services will advance competition in the city
- The feasibility report covers the fiscal impact of capital investment, labor, financing and administering the project
- The report projects growth in demand at 2% per year
- The report contains annual projections of the revenues and full costs of the project for the expected 25-year bond term
- Pricing has considered imputed costs

The concept of Fiber-to-the-home:

- To build a state-of-the-art Broadband Network to each home and business in the City using Fiber-to-the-Home Technology
- Initially offer Cable TV, telephone and internet services to residences and smaller businesses
- To build the system for virtually unlimited future potential
- To continue to sell wholesale services to serve large businesses

The study is based on an approximate 50% residential penetration for cable TV and telephone services. LUS believes this is a realistic scenario based upon impressive Lafayette survey results and the experiences in other cities. The study also assumes LUS will offer reduced rates at an average of 20% less than the rates currently being offered by the existing private providers. It also supports an \$85-per-month “Triple Play” package for cable TV, telephone and High-Speed Internet. Today’s Lafayette consumers are paying over \$112 per month for similar services.

Terry Huval also gave a presentation to the Council regarding questions that have been imposed by citizens regarding Fiber-to-the-Home. *(See attached Questions from Lafayette’s Citizens)*

Durel then introduced Mayor Lewis Billings of Provo, Utah who was present to validate the endeavor of Fiber-to-the-Home. The City of Provo is estimated to have a population of 113,000, similar to the City of Lafayette.

(TAPE 1)(SIDE B)(001)

Provo also houses a locally owned utility company. The city entered into 5 franchise agreements with 5 private sector businesses that were franchised to provide bandwidth connectivity. All 5 businesses had committed to hookup all city facilities in the city within a certain time. As of this date, none have fulfilled their contractual obligation. At that point, the City of Provo made a decision, through the energy utility, to build a fiber ring around the city. By taking on this endeavor, the city was able to hook all city facilities and was requested by the private sector to make available the fiber services to the public. Mayor Billings supports the initiative of Fiber-to-the-Home and encourages the Council and Administration to do the same.

Walter Guillory, Lafayette Public Housing Authority, explained he set a goal to create a tutorial program in public housing and was told it couldn’t be done. Within the past year, 4 college scholarships have been awarded as well as there are 60+ children on the principal’s list. A resident counseling program was also created to enable residents to empower themselves within the developments. These residents traveled the country to see how other public housing authorities operated. He listed many other programs that were started within public housing that have become successful. He strongly feels that the Fiber-to-the-Home program will enable the residents to become self-sufficient. Through the tutoring centers, the authority will provide training, not only for the residents, but also for those who live in and around public housing. The goal is to provide Internet access.

The Council was then given an opportunity to ask questions of Mr. Dawson, Mr. Huval and Mayor Billings.

The following persons signed a yellow card, which allowed for one question and one follow-up to ask questions of Mr. Dawson regarding the feasibility study:

C. Bodensteiner	Shelby Williams
Bill LeBlanc	Douglas Menefee
Andrew Hebert	Neal Breakfield
Carrie Morton	

The following persons were recognized for comment:

Paul Darby	Mike Spears
James Plumley	

Andy Hebert

Hebert requested additional time in which there was an objection. Menard called for the vote which a vote of six would approve additional time and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque

NAYS: Broussard, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion was defeated.

Andre Comeaux	Al Cain	Max Hoyt
Lyn Hargrave	Glenn Lambert	Patrick Brasseaux
Mike Stagg	Ron Gaubert	Jeffery Landry
C. Bodensteiner	Neal Breakfield	Horatio Handy
Kaliste Saloom III	John St. Julien	Joe Dennis
Shelby Williams	Carrie Morton	

Bill Leblanc

Leblanc requested additional time in which there was an objection. Menard called for the vote which a vote of six would approve additional time and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Mouton

NAYS: Benjamin, Broussard, Conque, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion was defeated.

Douglas Menefee

Rickey Miniex

The following persons signed blue cards but chose not to speak:

Bill Fenstermaker – supports

Charles Moliere – opposed

Sharon LeMaire – supports

At this point, various Council members provided comments.

AGENDA ITEM NO. 4: R-009-2004(LPUA) A resolution of the Lafayette Public Utilities Authority adopting the “Feasibility Study Report – Fiber to the Home for Lafayette, LA” (Feasibility Study Report) prepared and presented by CCG Consulting, Inc. for the provision of “covered services” (telecommunications services, cable television services, and/or advanced services) by the Lafayette City-Parish Consolidated Government and/or the Utilities Department of the Lafayette City-Parish Consolidated Government, in accordance with the “Local Government Fair Competition Act,” LA R.S. 45:844.40 through 844.54. A motion was offered to approve by Stevenson, seconded by Benjamin, and the vote was as follows:

YEAS: Williams, Benjamin, Conque, Mouton, Stevenson

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was approved.

AGENDA ITEM NO. 5: R-075-2004 A resolution of the Lafayette City-Parish Council adopting the “Feasibility Study Report – Fiber to the Home for Lafayette, LA” (Feasibility Study Report) prepared and presented by CCG Consulting, Inc. for the provision of “covered services” (telecommunications services, cable television services, and/or advanced services) by the Lafayette City-Parish Consolidated Government and/or the Utilities Department of the Lafayette City-Parish Consolidated Government, in accordance with the “Local Government Fair Competition Act,” LA R.S. 45:844.40 through 844.54. A motion was offered to approve by Benjamin, seconded by Bourgeois, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: None

ABSTAIN: None

Motion was approved.

Chair commented that since the above resolutions were adopted, it would not be necessary to also adopt identical Ordinance Nos. O-044-2004(LPUA) and O-262-2004. Ottinger responded affirmative. Therefore, the Chair suggested permitting the ordinances to fail for lack of a motion.

AGENDA ITEM NO. 6: O-044-2004(LPUA) An ordinance of the Lafayette Public Utilities Authority adopting the “Feasibility Study Report – Fiber to the Home for Lafayette, LA” (Feasibility Study Report) prepared and presented by CCG Consulting, Inc. for the provision of “Covered Services” (telecommunications services, cable television services, and/or advanced services) by the Lafayette City-Parish Consolidated Government and/or the Utilities Department of the Lafayette City-Parish Consolidated Government, in accordance with the “Local Government Fair Competition Act,” LA R.S. 45:844.40 through 844.54.

Died for lack of a motion.

AGENDA ITEM NO. 7: O-262-2004 An ordinance of the Lafayette City-Parish Council adopting the “Feasibility Study Report – Fiber to the Home for Lafayette, LA” (Feasibility Study Report) prepared and presented by CCG Consulting, Inc. for the provision of “Covered Services” (telecommunications services, cable television services, and/or advanced services) by the Lafayette City-Parish Consolidated Government and/or the Utilities Department of the Lafayette City-Parish Consolidated Government, in accordance with the “Local Government

Fair Competition Act,” LA R.S. 45:844.40 through 844.54.
Died for lack of a motion.

AGENDA ITEM NO. 8: O-045-2004(LPUA) An ordinance of the Lafayette Public Utilities Authority effecting an administrative reorganization of the Utilities Department by creating a division of Communication Services, and assigning duties, powers and responsibilities thereto. A motion was offered to approve by Benjamin, seconded by Conque, and the vote was as follows:
YEAS: Williams, Benjamin, Conque, Mouton, Stevenson
NAYS: None
ABSENT: None
ABSTAIN: None
Motion was approved.

AGENDA ITEM NO. 9: O-263-2004 An ordinance of the Lafayette City-Parish Council effecting an administrative reorganization of the Utilities Department by creating a division of Communication Services, and assigning duties, powers and responsibilities thereto. A motion was offered to approve by Stevenson, seconded by Williams, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard
NAYS: Badeaux, Broussard
ABSENT: None
ABSTAIN: None
Motion was approved.

ADJOURN

There being no further business to come before the Council and LPUA, Chair Menard declared the Joint Regular/LPUA meeting adjourned.

At this point, Menard requested a brief recess.

Norma A. Dugas
Clerk of the Council